

AMENDED IN ASSEMBLY MAY 1, 2002

AMENDED IN ASSEMBLY APRIL 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2459**

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**Introduced by Assembly Member Diaz**  
***(Coauthors: Assembly Members Dickerson and Wright)***  
***(Coauthor: Senator Vasconcellos)***

February 21, 2002

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An act to amend Section 2248 of, and to add Section 2248.5 to, the Business and Professions Code, and to ~~repeal~~ *amend* Section 109280 of the Health and Safety Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2459, as amended, Diaz. Physicians and surgeons: prostate cancer.

Existing law, the Medical Practice Act, regulates the practice of medicine in this state and authorizes the Medical Board of California to take disciplinary action against a licensee. Existing law, in certain situations, requires a physician and surgeon to provide a patient with information on prostate cancer.

This bill would require a physician and surgeon treating a patient for prostate cancer to disclose all available treatments and would make it unprofessional conduct if the physician or surgeon does not make this disclosure.

Existing law requires the State Department of Health Services to develop a standardized written summary with regard to alternative methods of treatment of prostate cancer, to be printed and made

available by the Medical Board of California to physicians and surgeons.

~~This bill would recast and renumber those provisions.~~

*This bill would require the State Department of Health Services to send this summary to the Medical Board of California and would require the Medical Board of California to send the summary to its physicians and surgeons. The bill would require both the department and the board to post this summary on their Web sites. The bill would additionally require the department to send an updated copy of the summary to the board every time it is modified and would require the board to send the updated summary to its physicians and surgeons. The bill would require both the department and the board to update their Web sites every time the summary is modified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2248 of the Business and Professions
- 2 Code is amended to read:
- 3 2248. This section shall be known as, and may be cited as, the
- 4 Grant H. Kenyon Prostate Cancer Detection Act.
- 5 (a) If a physician and surgeon, during a physical examination,
- 6 examines a patient's prostate gland, the physician and surgeon
- 7 shall provide information to the patient about the availability of
- 8 appropriate diagnostic procedures, including, but not limited to,
- 9 the prostate antigen (PSA) test, if any of the following conditions
- 10 are present:
- 11 (1) The patient is over 50 years of age.
- 12 (2) The patient manifests clinical symptomatology.
- 13 (3) The patient is at an increased risk of prostate cancer.
- 14 (4) The provision of the information to the patient is medically
- 15 necessary, in the opinion of the physician and surgeon.
- 16 (b) If a physician and surgeon is treating a patient for prostate
- 17 cancer, the physician and surgeon shall disclose all available
- 18 treatments to the patient and provide the patient with any written
- 19 material on prostate cancer made available by the state.
- 20 (c) Prior to performing a biopsy on a patient for prostate cancer,
- 21 the physician and surgeon shall place a note in the patient's



1 medical records stating that the requirements contained in  
2 subdivisions (a) and (b) have been met.

3 (d) A violation of subdivision (a) or (b) constitutes  
4 unprofessional conduct and is not subject to Section 2314.

5 SEC. 2. Section 2248.5 is added to the Business and  
6 Professions Code, to read:

7 2248.5. (a) A standardized written summary in layman's  
8 language and in a language understood by patients shall be  
9 developed by the State Department of Health Services on the  
10 recommendation of the Cancer Advisory Council and printed and  
11 ~~made available~~ sent by the Medical Board of California to  
12 physicians and surgeons, concerning the advantages,  
13 disadvantages, risks, and descriptions, of procedures with regard  
14 to medically viable and efficacious alternative methods of  
15 treatment of prostate cancer. Physicians and surgeons are urged to  
16 make the summary available to patients when appropriate.

17 (b) *The board shall post this summary on its Web site for public*  
18 *use.*

19 (c) *If the State Department of Health Services updates this*  
20 *summary, the board shall send the updated summary to its*  
21 *licensees and update its Web site to contain the updated summary.*

22 SEC. 3. Section 109280 of the Health and Safety Code is  
23 ~~repealed.~~

24 *amended to read:*

25 109280. (a) A standardized written summary in layman's  
26 language and in a language understood by patients shall be  
27 developed by the department on the recommendation of the  
28 Cancer Advisory Council and printed and ~~made available~~ sent by  
29 the Medical Board of California to physicians and surgeons,  
30 concerning the advantages, disadvantages, risks, and descriptions,  
31 of procedures with regard to medically viable and efficacious  
32 alternative methods of treatment of prostate cancer. Physicians and  
33 surgeons are urged to make the summary available to patients  
34 when appropriate.

35 (b) *The department shall post this summary on its Web site for*  
36 *public use.*

- 1     (c) *If the department updates this summary, it shall send the*
- 2     *updated summary to the Medical Board of California and post this*
- 3     *updated summary on its Web site.*

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